

AMENDED IN ASSEMBLY MARCH 23, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 132

**Introduced by Assembly Member Mendoza
(Principal coauthor: Assembly Member Huffman)**

January 20, 2009

~~An act to amend Section 32282 of the Education Code, relating to school safety. An act to add Article 6 (commencing with Section 32297) to Chapter 2.5 of Part 19 of Division 1 of Title 1 of the Education Code, relating to pupil safety.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 132, as amended, Mendoza. School safety: immigration investigations.

~~(1) Existing law requires each school district and county office of education to be responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive. Safety plans are required to include specified elements, including, but not limited to, procedures for safe ingress and egress of pupils, parents, and school employees to and from school, the rules and procedures on school discipline, and a discrimination and harassment policy.~~

~~This bill would require that school safety plans include procedures to address immigration investigations on school grounds, including, but not necessarily limited to, issues relating to the safety and well-being of pupils and their parents. The bill also would delete an obsolete cross-reference. Because this bill would require school districts and county offices of education to revise school safety plans to include additional elements, it would impose a state-mandated local program.~~

(1) Existing law recognizes that all pupils enrolled in the state public schools have the inalienable right to attend classes on school campuses that are safe, secure, and peaceful. Existing law establishes various safety programs and procedures to address issues relating to school safety.

This bill would state the Legislature's request that prior to appearing at a schoolsite or entering a school for the purpose of conducting any investigative activity relating to immigration, immigration agents contact the school or district office and, if applicable, arrange an appropriate time to meet with a pupil. The bill would require school officials to request immigration agents to adhere to certain procedures prior to, during, and after any meetings with pupils for the purpose of conducting any investigative activities relating to immigration. Because the bill would require school officials to perform additional duties, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 6 (commencing with Section 32297) is
2 added to Chapter 2.5 of Part 19 of Division 1 of Title 1 of the
3 Education Code, to read:

4

5 Article 6. Immigration Investigations

6

7 32297. The Legislature finds and declares that pupils are
8 entitled to public education while in the United States of America,
9 regardless of immigration status. The Legislature further finds
10 and declares that immigration agents should not be impeded in
11 their work to maintain public safety. Immigration agents are
12 requested, however, to follow the procedures described in this

1 *section while conducting investigative activities at schools relating*
2 *to immigration.*

3 *(a) Prior to appearing at a schoolsite or entering a school,*
4 *immigration agents are requested to contact the school or district*
5 *office and, if applicable, to arrange an appropriate time to meet*
6 *with a pupil.*

7 *(b) When immigration agents enter a school, school officials*
8 *shall request the agents to first meet with the principal to discuss*
9 *the nature of the visit.*

10 *(c) School officials shall request that immigration agents neither*
11 *enter a classroom while instruction is taking place, nor remove a*
12 *pupil from his or her classroom, except as necessary for public*
13 *safety.*

14 *(d) School officials shall request immigration agents, during*
15 *any meetings with a pupil, to allow the pupil's parent or guardian*
16 *or appropriate school personnel to be present.*

17 *(e) Schools are encouraged to immediately contact the regional*
18 *office of United States Immigration and Customs Enforcement to*
19 *alert the office of the arrival of any immigration agents.*

20 *(f) To the extent permissible under federal law, schools shall*
21 *maintain the name and contact information of a person responsible*
22 *for each pupil in the event that a pupil's parent or guardian is*
23 *taken into custody by immigration agents.*

24 *(g) Schools are encouraged to provide appropriate counseling*
25 *services for each pupil who may be affected by immigration*
26 *investigations at his or her school, home, or parent's or guardian's*
27 *place of employment.*

28 *(h) Nothing in this section shall be construed to restrict or*
29 *impede any lawful authority of immigration agents.*

30 ~~SECTION 1. Section 32282 of the Education Code is amended~~
31 ~~to read:~~

32 ~~32282. (a) The comprehensive school safety plan shall include,~~
33 ~~but not necessarily be limited to, both of the following:~~

34 ~~(1) Assessing the current status of school crime committed on~~
35 ~~school campuses and at school-related functions.~~

36 ~~(2) Identifying appropriate strategies and programs that will~~
37 ~~provide or maintain a high level of school safety and address the~~
38 ~~school's procedures for complying with existing laws related to~~
39 ~~school safety, which shall include the development of all of the~~
40 ~~following:~~

~~(A) Child abuse reporting procedures consistent with Article 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the Penal Code.~~

~~(B) Disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.). The disaster procedures shall also include, but not necessarily be limited to, both of the following:~~

~~(i) Establishing an earthquake emergency procedure system in every public school building having an occupant capacity of 50 or more pupils or more than one classroom. A district or county office may work with the California Emergency Management Agency and the Seismic Safety Commission to develop and establish the earthquake emergency procedure system. The system shall include, but not necessarily be limited to, all of the following:~~

~~(I) A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of pupils and staff.~~

~~(II) A drop procedure whereby each pupil and staff member takes cover under a table or desk, dropping to his or her knees, with the head protected by the arms, and the back to the windows. A drop procedure practice shall be held at least once each school quarter in elementary schools and at least once each semester in secondary schools.~~

~~(III) Protective measures to be taken before, during, and following an earthquake.~~

~~(IV) A program to ensure that pupils and both the certificated and classified staff are aware of, and properly trained in, the earthquake emergency procedure system.~~

~~(ii) Establishing a procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The district or county office shall cooperate with the public agency in furnishing and maintaining the services as the district or county office may deem necessary to meet the needs of the community.~~

~~(C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations~~

1 pursuant to Article 1 (commencing with Section 48900) of Chapter
2 6 of Part 27 of Division 4 of Title 2.

3 (D) Procedures to notify teachers of dangerous pupils pursuant
4 to Section 49079.

5 (E) A discrimination and harassment policy consistent with the
6 prohibition against discrimination contained in Chapter 2
7 (commencing with Section 200) of Part 1.

8 (F) The provisions of any schoolwide dress code, pursuant to
9 Section 35183, that prohibits pupils from wearing “gang-related
10 apparel,” if the school has adopted that type of a dress code. For
11 those purposes, the comprehensive school safety plan shall define
12 “gang-related apparel.” The definition shall be limited to apparel
13 that, if worn or displayed on a school campus, reasonably could
14 be determined to threaten the health and safety of the school
15 environment. Any schoolwide dress code established pursuant to
16 this section and Section 35183 shall be enforced on the school
17 campus and at any school-sponsored activity by the principal of
18 the school or the person designated by the principal. For the
19 purposes of this paragraph, “gang-related apparel” shall not be
20 considered a protected form of speech pursuant to Section 48950.

21 (G) Procedures for safe ingress and egress of pupils, parents,
22 and school employees to and from school.

23 (H) A safe and orderly environment conducive to learning at
24 the school.

25 (I) The rules and procedures on school discipline adopted
26 pursuant to Sections 35291 and 35291.5.

27 (J) Procedures to address immigration investigations on school
28 grounds, including, but not necessarily limited to, issues relating
29 to the safety and well-being of pupils and their parents,
30 communication with immigration officials, and access to pupil
31 records. In developing these procedures, the Superintendent shall
32 confer with the Attorney General to ensure that the procedures
33 comply with all state and federal laws.

34 (b) It is the intent of the Legislature that schools develop
35 comprehensive school safety plans using existing resources,
36 including the materials and services of the partnership, pursuant
37 to this chapter. It is also the intent of the Legislature that schools
38 use the handbook developed and distributed by the School/Law
39 Enforcement Partnership Program entitled “Safe Schools: A

1 Planning Guide for Action” in conjunction with developing their
2 plan for school safety.

3 (e) ~~Grants to assist schools in implementing their comprehensive~~
4 ~~school safety plan shall be made available through the partnership~~
5 ~~as authorized by Section 32285.~~

6 (d) ~~Each schoolsite council or school safety planning committee~~
7 ~~in developing and updating a comprehensive school safety plan~~
8 ~~shall, where practical, consult, cooperate, and coordinate with~~
9 ~~other schoolsite councils or school safety planning committees.~~

10 (e) ~~The comprehensive school safety plan may be evaluated and~~
11 ~~amended, as needed, by the school safety planning committee, but~~
12 ~~shall be evaluated at least once each school year, to ensure that~~
13 ~~the comprehensive school safety plan is properly implemented.~~
14 ~~An updated file of all safety-related plans and materials shall be~~
15 ~~readily available for inspection by the public.~~

16 (f) ~~The comprehensive school safety plan, as written and updated~~
17 ~~by the schoolsite council or school safety planning committee,~~
18 ~~shall be submitted for approval under subdivision (a) of Section~~
19 ~~32288.~~

20 SEC. 2. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.